



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Sevier River Resource  
150 EAST 900 NORTH  
RICHFIELD, UTAH 84701

DOGM  
MINERALS PRO  
FILE COPY



IN REPLY REFER TO

3809  
(U-056)

CERTIFIED MAIL NO. 760053626  
RETURN RECEIPT REQUESTED

December 13, 1991

Mr. Richard Hilyard  
346 North 300 East  
Lehi, Utah 84043

RE: Failure to reclaim surface disturbance and prevent undue or unnecessary degradation to public lands.

Dear Mr. Hilyard:

Two Notices of Intent, UT-058-10N and UT-058-45N, were filed by you in 1983 and 1986, respectively, for mining related surface disturbances on mining claims, Grant #1 and #2 (UMC 263241 and 263242) in T. 21 S., R. 1 E., sections 10 and 15, SLM. Both notices were filed under 43 CFR 3809, surface management regulations with the Sevier River Resource Area office, Richfield District.

On August 13, 1990, a Notice of Noncompliance was issued to you for failure to reclaim and to prevent unnecessary and undue degradation of public land. You were allowed thirty (30) days to comply with this Notice of Noncompliance. A copy of the 43 CFR 3809 Surface Management Regulations were enclosed with this Notice. In an office visit on August 21, 1990, you stated that you would make all equipment operable or remove from the site, reclaim pits, clean up the contaminated soil and other debris, and submit a new notice. An inspection by Bureau staff on September 6, 1990, indicated no reclamation nor clean up had begun. In a phone conversation on September 7, 1990, you stated that you were working on your dozer and would complete the required work by September 17, 1990. In a phone conversation on September 17, 1990, you stated your dozer was operable and that you would now comply with the Notice of Noncompliance to reclaim the pits and clean up the site. In a phone conversation on November 11, 1990, you stated that the site had been cleaned up except for some minor debris.

On September 11, 1991 a compliance field inspection was conducted by BLM staff. Other than having moved the bulldozer, no change in your operations was observed at that time. No evidence of ongoing operations were observed and surface disturbances related to your operations were not reclaimed. The site contained the following surface disturbances and mining related equipment:

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DIVISION OF  
OIL GAS & MINING

- constructed access road
- trommel and discarded equipment
- bulldozer
- contaminated soil
- one settling pond and one clay borrow pit
- two pits
- wire fence, fence posts and gate
- five gallon drum containing D-Panthenol-AMP
- other trash and debris

Your operations on mining claims Grant #1 and Grant #2 violate the following regulations:

- 1) 43 CFR 3809.1-1: All operations, whether casual use, under a notice, or by a plan of operations, shall be reclaimed.
- 2) 43CFR 3809.1-3(d)(3): Failure to reclaim at the earliest feasible time.
- 3) 43 CFR 3809.3-2(b): Failure to reclaim areas disturbed by operations under 3809.1-3--notice.
- 4) 43 CFR 3809.1-3(d)(4)(iii) "Measures to isolate remove, or control toxic materials."
- 5) 43 CFR 3809.3(c)(4)(iv) Reshaping the area disturbed, application of topsoil, and revegetation of disturbed areas.
- 6) 43 CFR 3809.2-2: Causing undue and unnecessary degradation of public lands.
- 7) 43 CFR 3809.2-2(c): All garbage, refuse or waste shall either be removed from the affected lands or disposed of or treated to minimize, so far as it practicable, its impact on the land.

In order to bring your operations under regulatory compliance, you as the claimant and operator must:

- (1) Remove all equipment not needed for ongoing operations.
- (2) Clean up and dispose of all contaminated soil at an authorized landfill for such material waste, and remove and dispose of the drum of liquid, labeled as D-Panthenol, at an authorized landfill for such liquids.
- (3) Dispose of all canisters , trash and debris at an authorized landfill.
- (4) Reclaim all areas disturbed by your operations.
- (5) Remove the fence, fence posts and gate from the site and public land.

The above specified actions must be taken within thirty (30) days from receipt of this Notice of Noncompliance. Failure to complete there corrective actions within thirty days will establish a Record of Noncompliance. If a Record of



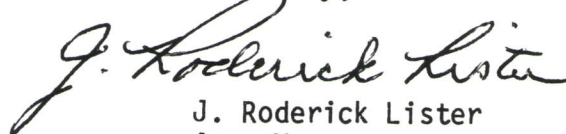
Noncompliance is established, then you must submit a plan of operations and a mandatory bond for all subsequent operations which would otherwise be conducted under a Notice. Bonding will be required for 100% of the reclamation cost on all operations. This Record of Noncompliance will be in effect for all Bureau of Land Management lands and will remain in effect for a twelve (12) month period following satisfactory completion of the required actions in this Notice of Noncompliance.

In accordance with 43 CFR 3809.4, you have the right to appeal to the Utah State Director, Bureau of Land Management, P.O. Box 45155, Salt Lake City, Utah 84145-0155. If you exercise this right, your appeal accompanied by:

- 1) Name and address of the appellant, and
- 2) A statement of reasons for the appeal and any arguments that you wish to present, which would justify a reversal or a modification of this decision.

Your appeal must be filed in writing at this office within thirty (30) days after you receive this decision. This decision will remain in effect during the appeal unless a written request for a stay is granted.

Sincerely,



J. Roderick Lister  
Area Manager

cc: V-921  
RDO  
✓ DOGM